

June 14, 2019

VIA ECF

**Honorable Lorna G. Schofield, U.S.D.J.
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square Courtroom 1106
New York, NY 10007**

**Re: *Wisser v. Vox Media, Inc.*
Docket No. 1:19-cv-1445-LGS**

Dear Judge Schofield:

Pursuant to the Court's April 9, 2019 Order (ECF No. 15) and Individual Rule IV.A.2, the parties submit this joint letter with respect to the progress of discovery to date as well as the parties' settlement efforts.

A. Discovery

Plaintiff's Position

On April 9, 2019, Plaintiff served twenty-nine interrogatories and fifty-three document requests. Defendant responded with objections on May 9, 2019, and on June 11, 2019, produced thirty-one pages of responsive documents. Plaintiff is currently reviewing that production for any deficiencies. Plaintiff will produce documents responsive to Defendant's requests within the next three business days. At this time, the parties are moving forward with depositions but have yet to set a date Defendant's or Plaintiff's deposition.

Defendant's Position

Defendant Vox Media, Inc. served Plaintiff with nine interrogatories and thirty-six document requests on April 26, 2019. Those discovery requests seek, among other things, information related to Plaintiff's copyright registration and continued ownership of the Photograph, his licensing of photographs, communications related to the Photograph or to Defendant, damages documentation, and other information Plaintiff intends to use to support his claims. On March 23, 2019, Plaintiff sought and received an extension for responding to Defendant's discovery requests through June 7, 2019. As of this letter, Plaintiff has still failed to produce any documents pursuant to the Court's Case Management Plan and Scheduling Order.

On April 9, 2019, Plaintiff served twenty-nine interrogatories and fifty-three document requests. Defendant responded with objections on May 9, 2019, and on June 11, 2019, produced thirty-one pages of responsive documents and also served a Notice of Deposition for Plaintiff Bill Wisser.

At this time, the parties are moving forward with depositions but have yet to set a date Defendant's or Plaintiff's deposition.

B. Procedural Posture

Plaintiff filed his Complaint on February 14, 2019, and Defendant filed its Answer on March 12, 2019. On June 6, 2019, the Parties filed a Joint Proposed Protective Order, which was signed and entered by the Court on June 7, 2019.

No motions have been filed to date.

On March 29, 2019, Defendant served an Offer of Judgment under Federal Rule of Civil Procedure 68, to which Plaintiff never responded.

C. Parties' Plans

Plaintiff's Position

Plaintiff will move to compel discovery, if necessary, and intends to depose Defendant's corporate representative and the supervising editor and then move for summary judgment on the issue of liability after the close of discovery.

Defendant's Position

While Defendant has attempted to pursue settlement discussions, Plaintiff has not responded to Defendant's most recent offer on June 6, 2019. Pending productive settlement discussions or Plaintiff's document production, Defendant intends to pursue compelling discovery production and deposing Plaintiff Wisser. Following that deposition, Defendant intends to submit any final discovery requests well in advance of the Court's August 8, 2019 discovery cutoff deadline.

Respectfully Submitted,

/s/ Richard Liebowitz

Richard Liebowitz
Counsel for Plaintiff Bill Wisser

/s/ Rachel F. Strom

Rachel F. Strom
Counsel for Defendant Vox Media, Inc.